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SUBJECT: NEW SRSG STIRS POT ON JUDICIAL REFORM

Classified By: A/DCM Paul Folmsbee for reason 1.4(B).

¶1. (SBU) Summary. Remarks by the incoming SRSG, Guatemalan Edmond Mulet, suggesting he favored integrating foreign judges in Haiti's judiciary to implement judicial reform have caused a nationalist backlash. Leaders from the political, judicial, and human rights communities have protested against the proposal as an affront to Haitian sovereignty. Mulet arrives in Haiti today, June 2, and will doubtless spend some of his initial time on the ground clarifying his statement, if not backtracking. The furor over his remarks is likely to be short-lived, as pressing business, most notably the formation of the new cabinet, becomes the focus of the news cycle. The incident serves as a reminder, however, that MINUSTAH and the international community must strike a delicate balance in seeking to implement critical government reform.  
End Summary.

¶2. (U) During an interview with Associated Press on May 26, newly appointed UN SRSG for Haiti Edmond Mulet voiced approval for integrating international judges from other francophone countries into the Haitian judicial system while commenting on MINUSTAH plans to implement judicial and police reform in Haiti. Local print and radio media carried highlighted the remarks regarding the international judges, with commentary protesting the perceived potential violation of Haitian sovereignty.

¶3. (U) Further reaction among Haitian leaders was also overwhelmingly negative. Bar Association president Gervais Charles cautioned Mulet to consult the Haitian constitution before making changes to the MINUSTAH mandate that would breach Haiti's sovereignty and the independence of the judicial system. Activist lawyer Osner Fevry questioned the suitability of an "international bureaucrat who left Guatemala to work in Europe" to make such a statement. Human Rights leader Pierre Esperance's National Human Rights Defense Network (RNDDH) issued a press release expressing "astonishment and offense" upon learning of the UN's wishes to place the Haitian judicial system under international supervision. The RNDDH statement accused the international community of "finally revealing its true objective to establish MINUSTAH as an occupation force."

14. (SBU) MINUSTAH officials told Embodys that Mulet's remarks came as a complete surprise. MINUSTAH staff had not proposed using foreign judges in the briefing material they had prepared for Mulet: MINUSTAH experts working on judicial reform wondered whether the suggestion would be of any practical use. MINUSTAH's political chief told Polcouns on the morning of June 2, prior to Mulet's arrival, that he hoped that Mulet would quickly defuse the situation by stating "these were just some ideas" and leaving staff to continue working on the details of judicial reform.

15. (C) Comment. With speculation over the formation of the new government still the focus of news coverage, and Mulet quickly off to the Dominican Republic to attend the OAS general assembly, any kind of conciliatory statement from him should be sufficient to defuse this flap for the moment. Mulet has inadvertently received an object lesson in the strength of nationalist pride in Haiti. Even in the face of a judiciary that has nearly ceased to function and blatantly corrupt practices by individual judges, many Haitians who fully support judicial reform will rise to defend Haitian sovereignty if they feel the international community oversteps its authority. End Comment.  
SANDERSON